

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHAWN HARRIS,)	
)	
Plaintiff,)	Case No. 17 CV 5495
)	
v.)	Honorable
)	
)	Magistrate
THE CITY OF CHICAGO,)	
Officer S. YI, Star #14957,)	
Officer A. CHORAK, Star # 14867,)	
)	Jury Demand
)	
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, SHAWN HARRIS, by and through his attorney, the NIXA LAW FIRM, and complaining of Defendants, CITY OF CHICAGO, and Officers S. YI, # 14957 and A. CHORAK, Star # 14867 (collectively “Defendant Officers”), states as follows:

NATURE OF ACTION

1. This action is brought pursuant to the United States Constitution, through 42 U.S.C. § 1983 and 42 U.S.C. § 1988, to redress deprivations of the Civil Rights of the Plaintiff by Defendants in connection with Plaintiff’s April 20, 2017 arrest.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b). The events giving rise to the claims asserted herein all occurred within this District. Defendant Village of Calumet Park is a municipal corporation located in this District.

4. Plaintiff resides in this District and based on information and belief all of the Defendant Officers reside in this District as well.

PARTIES

5. Plaintiff Shawn Harris is a 52-year-old resident of the City of Chicago.

6. Defendants Yi and Chorak are City of Chicago Police officers who were involved in the unconstitutional use of force on Plaintiff.

7. Defendant City of Chicago is a political subdivision of the state of Illinois and is the employer of the Defendant Officers.

FACTS

8. On April 20, 2017, the Defendant Officers arrested Plaintiff on misdemeanor charges, which were later dismissed.

9. During and after Plaintiff's arrest the Defendant Officers used unreasonable force on Plaintiff in violation of the Fourth and Fourteenth Amendments to the United State's Constitution.

10. This included throwing Plaintiff down at the scene of the arrest, excessively tightening his handcuffs once he was in custody, and throwing him up against the wall and down onto the floor at the police station while he was handcuffed and without any justification whatsoever.

11. Plaintiff suffered injuries as a result of this mistreatment. He incurred medical bills and still has several scars that resulted from the Defendant Officers' misconduct.

12. The actions of the Defendant Officers were undertaken under color of law and within the scope of their employment as City of Chicago Police officers.

13. Following Plaintiff's arrest, the Defendant Officers conspired to conceal and/or cover-up their use of excessive force against Plaintiff. In doing so, they purposefully failed to document the actual events of Plaintiff's arrest, including the events that led to the Plaintiff's injuries, and made statements that were not truthful or accurate concerning the arrest.

LEGAL CLAIMS

Count I– 42 U.S.C. §1983

Excessive Force – Defendants Yi and Chorak

14. Each of the Paragraphs above are incorporated herein.

15. As described above, the conduct of the Defendant Officers constituted excessive force against Plaintiff in violation of the United States Constitution.

16. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally and with willful indifference to Plaintiff's constitutional rights.

17. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff.

18. As a result of Defendants' unjustified and excessive use of force, Plaintiff suffered humiliation, physical injuries, loss of liberty, and emotion harm.

Count II – 42 U.S.C. § 1983
Failure to Intervene – Defendants Yi and Chorak

19. Each of the above Paragraphs are incorporated herein.

20. In the manner described above, both Defendant Officers had an opportunity to intervene and prevent the violation of Plaintiff's constitutional rights by the other, but failed to do so.

21. The actions of Defendants were undertaken intentionally, with malice and reckless indifference to Plaintiff's rights.

22. As a result of Defendant Officers' misconduct described in this Count, Plaintiff suffered injury, including physical and emotional harm.

Count III – 42 U.S.C. § 1983
Conspiracy to Deprive Constitutional Rights – Defendants
Yi and Chorak

23. Each Paragraph of this Complaint is incorporated herein.

24. In the manner described above, there was an agreement between the Defendants Officers, and possibly other, unknown officers to deprive Plaintiff of his constitutional rights.

25. Specifically, Defendants conspired by concerted action to accomplish an unlawful purpose, to wit, using excessive force on Plaintiff.

26. In furtherance of the conspiracy, each of the co-conspirators committed overt acts, such as participating in or falsifying reports, covering for one another, or directly participating in the underlying constitutional violations, such that each co-

conspirator was a willful participant in joint activity aimed at accomplishing or covering up the misconduct alleged herein.

27. The conspirators' actions were undertaken intentionally, with malice and reckless indifference to Plaintiff's rights.

28. As a result of the conspirators' misconduct described in this Count, Plaintiff has suffered injury, including humiliation, physical injuries, and emotional harm.

Count IV
Indemnification – the City of Chicago

29. Each Paragraph of this Complaint is incorporated herein.

30. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

31. Defendant Yi and Chorak were employees of the City of Chicago who acted within the scope of their employment in committing the misconduct described above.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants, City of Chicago and Defendants Yi and Chorak, awarding compensatory damages, attorneys' fees, and costs against all Defendants, along with punitive damages against Defendants Yi and Chorak in their individual capacities, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Dated: July 26, 2017

Respectfully submitted,

/s/ Daniel Nixa
Attorney for Plaintiff

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